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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,537	03/29/2004	Alberto J. Martinez	42P18569	5340

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EXAMINER

VO, THANH DUC

ART UNIT PAPER NUMBER

2189

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/813,537	Applicant(s) MARTINEZ, ALBERTO J.	
	Examiner Thanh D. Vo	Art Unit 2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Application filed on March 29, 2004.

Claims 1-16 are presented for examination. Claims 1-16 are pending.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 14-16 are rejected under 35 U.S.C. 101 because: the claimed invention is directed to non-statutory subject matter.

In claims 14-16, Applicant sets forth a "machine readable medium". In supporting this language in the specification, Applicant sets forth on page 11, paragraph 0028, that a machine readable medium includes "transmission medium", such as "radio

Art Unit: 2189

frequency link". Therefore, giving claim 14 (for example) a reasonable interpretation consistent with the specification, a "machine readable medium" could embody transmission or communication media (i.e. a radio frequency link).

However, communication or transmission media, such as those set forth by the Applicant in the specification, are not tangible. A communication medium, such as a carrier wave, cannot tangibly embody a computer program or process since a computer cannot understand/realize (i.e. execute) the computer program or process when embodied on the communication medium. Computer programs or processes are only realized within the computer when stored in a memory or storage element (such as RAM or ROM). Therefore, a communication medium does not meet the "useful, concrete, and tangible" requirement as set forth in *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02, and hence claims 14-16 are not statutory under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The most relevant disclosure related to claim 7 is found in

Art Unit: 2189

paragraph 0018, wherein it discussed about the DMA controller or similar memory controller but there is no where in the Specification that it discloses “a memory device is a register in a memory controller” and how it is implemented as being claimed in claim 7.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7 and 11-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Watt et al. (hereinafter Watt) of U.S. Publication No. US 2004/0148480 A1.

As per claim 1, Watt substantially disclosed a method comprising:

storing data in a memory device (see page 1, paragraph 0004);

writing a pointer related to a location of the data to a known location (see page 1, paragraph 0016, *wherein the address is related to the location of the data in a secured domain*);

Art Unit: 2189

indicating the data has a protected status (see page 2, paragraph 0029, *wherein the data in the secured memory is protected and inherently comprising a protected status*); and

preventing a read of the pointer from the known location. See page 25, paragraph 0453, lines 24-32.

As per claim 2, Watt substantially disclosed a method further comprising:
returning a fixed value in response to a read request for the pointer. See Fig. 57, blocks 2730, 2735, and 2740. *The access is aborted as soon as it is trying to access a secured data and it is a predetermined (fixed) value in responsive to the read request.*

As per claim 3, Watt substantially disclosed a method, wherein the known location is a register in a memory controller. See page 1, paragraph 0015.

As per claim 4, Watt substantially disclosed a method further comprising:
storing the location of the data in a descriptor list table, wherein the pointer indicates the location of the descriptor list table. See page 21, paragraph 0424.

As per claim 5, Watt substantially disclosed a device comprising:
a first memory device to store a pointer to a descriptor list table (see page 1, paragraph 0015);

a second memory device to store an indicator of a protected status (see page 1, paragraph 0015, wherein the memory region is secured/protected region); and

a control circuit to prevent a read of the pointer. See page 25, paragraph 0453.

As per claim 6, Watt substantially disclosed a device further comprising:

an output circuit to generate a fixed output when the pointer has a protected status. See Fig. 57, blocks 2730, 2735, and 2740. *The access is aborted as soon as it is trying to access a secured data and it is a predetermined (fixed) value in responsive to the read request.*

As per claim 7, Watt substantially disclosed a method, wherein the known location is a register in a memory controller. See page 1, paragraph 0015.

As per claim 11, Watt substantially disclosed a device comprising:

means for receiving a request for a location of data (page 4, paragraph 0102);

means for determining a protected status of the data (See Fig. 55, and page 13, paragraph 0279); and

means for returning a predetermined signal if the data has a protected status.

See Fig. 57, blocks 2730, 2735, and 2740. *The access is aborted as soon as it is trying to access a secured data and it is a predetermined (fixed) value in responsive to the read request.*

Art Unit: 2189

As per claim 12, Watt substantially disclosed a device further comprising:

means for storing an indicator of the protected status. See Fig. 55, and page 13, paragraph 0279. *The mean of storing an indicator is inherited since an indicator is a variable that requires a storage area such as a register to hold the value.*

As per claim 13, Watt substantially disclosed a device, further comprising:

means for returning a location of the data if the data has an unprotected status.

See page 1, paragraph 0014.

As per claim 14, Watt substantially disclosed a machine readable medium having instructions stored therein which when executed cause a machine to perform a set of operations comprising:

receiving a request for descriptor table base address (see page 1, paragraph 0015);

determining if the descriptor table base address register is set in a protected mode data (See Fig. 55, and page 13, paragraph 0279); and

returning a fixed value if the register is in the protected mode. See Fig. 57, blocks 2730, 2735, and 2740. *The access is aborted as soon as it is trying to access a secured data and it is a predetermined (fixed) value in responsive to the read request.*

Art Unit: 2189

As per claim 15, Watt further disclosed a machine readable medium having instructions stored therein which when executed cause a machine to perform a set of operations further comprising:

storing an indicator of the protected mode. See Fig. 55, and page 13, paragraph 0279. *The mean of storing an indicator is inherited since an indicator is a variable which requires a storage area such as a register to hold the value.*

As per claim 16, Watt further disclosed a machine readable medium having instructions stored therein which when executed cause a machine to perform a set of operations further comprising:

returning the descriptor table base address if the data is not in the protected mode. See page 1, paragraph 0014.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watt et al. (hereinafter Watt) of U.S. U.S. Publication No. US 2004/0148480 A1 in view

Art Unit: 2189

of England et al. (hereinafter England) of U.S. Publication No. US 2004/0044906 A1 or Applicant Admitted Prior Art (hereinafter AAPA).

As per claim 8, Watt disclosed a system comprising:

a memory device (See Fig. 1, item 56);

a processor (See Fig. 1, item 10);

a memory controller (Fig. 1, item 30) coupled to the memory device 56 and processor 10, the memory controller 30 to store a pointer to a descriptor list table and to prevent a read of the pointer when the pointer is in a protected mode (see page 1, paragraph 0016, see page 2, paragraph 0029, and refer to claim 1 rejection for further clarification); and

Watt failed to disclose an integrated audio controller coupled to the memory controller to process audio data.

England disclosed an integrated audio controller coupled to the memory controller to process audio data. See page 3, paragraph 0029. In addition, AAPA also disclose an audio controller to process the audio data. See page 2, paragraph 0004.

Watt and England and AAPA are from the same field of endeavor, data protection and encryption.

At the time of the Applicant's invention it would have been obvious to one having an ordinary skill in the art to modify the system of Watt to combine with the audio controller of England or AAPA.

The motivation of doing is to enable the system of Watt to process the audio data received from different audio media using the audio controller to output the necessary audio content that would be used of useful to the user.

Therefore, it would have been obvious to one having an ordinary skill in the art at the time of the Applicant's invention to implement the audio controller of England or AAPA to arrive at that the claimed invention.

As per claim 9, Watt failed to disclose a system further comprising:
a removable media drive coupled to the memory controller to read encrypted data.

AAPA disclosed a removable media drive to play back the encrypted data from a removable medium. See page 2, paragraph 0004.

Watt and AAPA are from the same field of endeavor, data encryption and piracy prevention.

At the time of the Applicant's invention it would have been obvious to one having an ordinary skill in the art to modify the system of Watt to combine the removable media drive disclosed in AAPA.

The motivation of doing so is to enable the user to read, listen, or view the encrypted content that was previously recorded or stored in a removable medium and playing back the content as it is requested by the user.

Therefore, it would have been obvious to one having an ordinary skill in the art at the time of the Applicant's invention to implement a removable media drive as

Art Unit: 2189

disclosed in AAPA with the system of Watt in order to arrive at the invention claimed in claim 9.

As per claim 10, Watt failed to disclose a system further comprising:

a graphics device to display the encrypted data from the removable media drive.

England disclosed a monitor to display the data to the user.

Watt and England are from the same field of endeavor, data encryption and piracy protection.

At the time of the Applicant's invention it would have been obvious to one having an ordinary skill in the art to recognize that a graphical interface device is useful to display any form of graphic data.

The motivation of doing is to enable the user to view the data content that are previously recorded or stored in any type of storage medium on a monitor.

Therefore, it would have been obvious to one having an ordinary skill in the art at the time of the Applicant's invention to implement a graphic device as disclosed by England with the system of Watt in order to arrive at the invention claimed in claim 10.

Art Unit: 2189

Conclusion

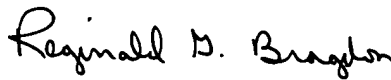
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh D. Vo whose telephone number is (571) 272-0708. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on (571) 272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thanh Vo
Patent Examiner
Art Unit: 2189
03/06/2006


REGINALD G. BRAGDON
PRIMARY EXAMINER